

**REMARKS**

This amendment and response under 37 C.F.R. §1.143 is in response to an election/restriction requirement (Paper No. 20051130) mailed December 6, 2005. Claims 34-46 are pending. Applicant has amended claim 43 by this amendment.

In Paper No. 20051130 mailed on 6 December 2005, the Examiner imposed a restriction between:

- Group I, drawn to a method of manufacturing a bubble jet type ink print head classified in class 29, sub-class 890.1, defined by claims 34-38; and
- Group II, a method of manufacturing a bubble jet type ink jet print head with forming a plurality of resistive heat elements classified in class 29, sub-class 832, and defined by claims 39-46.

Applicant provisionally elects Group II drawn to a method of manufacturing a bubble jet ink jet print head with forming a plurality of resistive heat elements, with traverse.

To begin with, Applicant submits that claims 34-38 and claims 43-46 are drawn to the same embodiment and claims 39-42 are drawn to a different embodiment. Thus, in Paper No. 20051130, Applicant submits that the Examiner improperly grouped Applicant's claims.

Next, because claims 34-38 and 43-46 are drawn to the same embodiment, and because the

Examiner divided these claims in Paper No. 20051130, Applicant submits that MPEP 806.03 has been violated. MPEP 806.03 forbids restriction between claims drawn to a single embodiment. Because MPEP 806.03 has been violated, Applicant traverses the restriction requirement of Paper No. 20051130.

Applicant submits that claims 39-42 are drawn to a separate embodiment than that of claims 34-38 and 43-46. Claims 39-42 describe the method of making the structure of FIG. 14 while claims 34-38 and 43-46 are drawn to a method of making the structure of FIGS. 10-13 as illustrated in FIGS. 15A - 15H. The fact that the Examiner restricted claims 39-46 from claims 34-38 instead of restricting claims 39-42 from the remaining claims shows a lack of understanding of Applicant's invention and Applicant's claims.

To aid the Examiner, the structure of FIG. 14, unlike that of FIGS. 10-13, requires only one level of electrode material and only one level of insulation instead of two. This distinction is clearly reflected in the claims as each of claims 34 and 43 have the application of two levels of electrode material and two levels of insulation while independent claim 39 has just the one.

Another distinguishing feature is that the embodiment of FIGS. 10-13 requires etching a hole in the first of two insulating layers to expose a portion of a resistive element and then applying electrode material to form contact to the portion of the resistive material. There are no comparable steps in making the structure of FIG. 14. This too is clearly reflected in the claims as claim 39 does not have the etching a hole step while claims 34 and 43 do. Because the Examiner's restriction

requirement is based on an incorrect interpretation of Applicant's invention, and because it also attempts to divide claims drawn to the exact same embodiment, the restriction requirement of Paper No. 20051130 must be withdrawn.

Regarding the separate classification cited by the Examiner in Paper No. 20051130 to justify the restriction requirement, Applicant submits that the subclasses 890.1 and 832 do not show appreciation for Applicant's claimed invention or for the differences between the two embodiments disclosed. Class 29 is "metal working". Each of subclasses 890.1 and 832 are subs of "method of mechanical manufacture". Subclass 890.1 is "Fluid pattern dispersing device making, e.g., ink jet". Subclass 832 is "Assembling to base an electrical component, e.g., capacitor, etc." which is an indent of "On flat or curved insulated base, e.g., printed circuit, etc." which is an indent of "Conductor or circuit manufacturing" which is an indent of "Electrical device making". Therefore, by looking at the classifications supplied by the Examiner, it would appear that group I is directed to making an ink jet while group II is directed towards making an electrical device. The problem is that all of claims 34-46 pertain to making an ink jet printhead. Further, Applicant has looked at the patents issued to subclass 832 and found only one patent that pertains to an ink jet printhead, the remainder pertaining to electrical devices in general. Therefore, Applicant submits that subclass 832 is not a suitable subclass for any of Applicant's claims.

Because the subclasses cited by the Examiner in Paper No. 20051130 do not reflect the differences between the claims, and because subclass 832 is not suitable for any of Applicant's claims, Applicant submits that the restriction requirement of Paper No. 20051130 is meaningless and

must be withdrawn.

Applicant has amended claim 43 to correct for an error.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,



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